

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANEESHA BRYANT,

Plaintiff

Docket No. 3:14-CV-01062-MEM

v.

WILKES-BARRE HOSPITAL
COMPANY, LLC

Defendant

PLAINTIFF ANEESHA BRYANT'S MOTION IN LIMINE

Plaintiff, Aneesha Bryant, through her counsel, Borland & Borland, LLP, provides this Motion In Limine To Preclude Defendant From Arguing, Referencing And/Or Testifying Regarding the Facebook group entitled "You Know Ya Ass is from da Hood When", and in support hereof avers as follows:

1. Pursuant to Federal Rule of Evidence 401, evidence is admissible if it has any tendency to make the existence of a material fact more probable or less probable than it would be without the evidence. See F.R.E. 401.
2. Federal Rule of Evidence 402, states that only relevant evidence is admissible.
3. Federal Rule of Evidence 403, however, provides that "[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or

misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." See F.R.E. 403.

4. Here, based upon the discovery conducted, Plaintiff expects Defendant to attempt to introduce evidence of a Facebook group entitled "You Know Ya Ass is from da Hood When" a document which contains a parody of Jeff Foxworthy's comedy routine "You Might Be a Redneck If..." and other such jokes concerning life in the neighborhood in which the Plaintiff grew up. Bryant Dep. Pages 237-99 in Docket no. 33-2

5. Such evidence is not relevant, unduly prejudicial and will confuse the jury. Id.; see also F.R.E. 403.

WHEREFORE, it is respectfully requested that the Defendant be precluded from arguing, referencing or testifying about the Facebook group entitled "You Know Ya Ass is from da Hood When"

BORLAND & BORLAND, LLP

/s/ Kimberly D. Borland
Kimberly D. Borland, Esquire
11th Floor
69 Public Square
Wilkes-Barre, Pa 18701
Phone: 570-822-3311
Attorney for the Plaintiff, Aneesha Bryant

/s/ Sarah L. Borland
Sarah L. Borland, Esquire
11th Floor
69 Public Square
Wilkes-Barre, Pa 18701
Phone: 570-822-3311